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Statement of Rep. Christopher Shays April 4, 2006

This afternoon the Subcommittee continues our oversight of security standards at civilian nuclear power facilities. Twice before, we convened to measure the scope and pace of post-9/11 safeguard improvements in and around reactor sites. Both hearings found some progress, revisited enduring challenges and elicited promises of tangible progress. Today, we take account of those commitments and ask specifically how the Nuclear Regulatory Commission (NRC) and the nuclear power industry are maintaining readiness against a changing threat.

One necessary security tool, secrecy, prevents an open discussion of some particular elements of the Design Basis Threat, or DBT, which sets the threshold of enemies and capabilities against which reactor sites should be able to defend. We will convene a closed session next month to give Members access to classified material and nuclear safeguards information supporting the DBT. But the most important part of this conversation is about public safety, public health and the protection of critical infrastructure. It can, and should, take place in the open.

At our request, the Government Accountability Office (GAO) conducted an in-depth examination of: the process used by the NRC to update the Design Basis Threat standard, the industry response to new security mandates and the rigor of inspections and drills used to test security force readiness.

The GAO findings released today paint a decidedly mixed picture of nuclear power security. Substantial improvements have been made since September 11, 2001, and since adoption of the new DBT in 2003. Buffer zones have been augmented where possible, barriers have been thickened, detection equipment installed or upgraded. Protective forces have been enlarged and armed with new weapons and smarter strategies. But, according to GAO, it may be too early to claim success since fewer than half the 65 NRC-regulated sites have been tested against a live adversary in what are called force-on-force exercises. And those tested did not always perform as well as expected, even in necessarily artificial, fully noticed drills conducted in broad daylight.

GAO also found that stronger security standards did not necessarily mean the NRC had sufficiently fortified itself against the dangers of an overly cozy relationship with the industry. While still drafting the new Design Basis Threat, the Commission solicited outside comments, creating the appearance industry was influencing the threat assessment process with extraneous cost concerns. The regulated should never even appear to be able to dictate security standards to the regulator. But this is more than a question of appearance. Only the rigor and independence of the NRC process guarantee the integrity of the product. Nevertheless, the Commission continues to resist the GAO recommendation to develop explicit criteria for decisions altering DBT standards. When the reasons for NRC decisions can only be guessed at, the Commission should not be surprised when their critics see those actions as arbitrary or the product of undue outside influence.

We know the 9/11 terrorists had their sights on a nuclear reactor. If they had succeeded in causing a radioactive release by breaching a containment facility with a truck bomb or draining the water from a fuel storage pool, how would this discussion be different? That is the conversation we need to have today.

Welcome to all our witnesses. We look forward to their testimony.